

DEC. 16. 2005 11:07AM

STEINBERG & RASKIN

NO. 387 P. 1

2005 DEC 16 PM 11:07

831.1002 DIV

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: ERNST, Vicki
Serial No.: 10/630,202
Filed: July 30, 2003
For: METHOD OF MAKING A PLACE MAT

REQUEST FOR REFUND

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

December 16, 2005

Attn.: Refund Department - Facsimile No.: (571) 273-6389

Dear Sir:

Pursuant to 37 CFR §1.2b, applicant respectfully requests a refund of the extension fee.

The facts are as follows. On August 3, 2005, an Office Action was issued by the U.S. Patent and Trademark Office ("PTO"), to which a reply was due three months from the mailing date. A copy of the Office Action is enclosed herewith for your reference.

In response to the Office Action, we filed a Response to Election Requirement on November 16, 2005. A copy of the response as filed is enclosed herewith for your reference. The response was accompanied by a Petition for an Extension of Time Under 37 CFR §1.136(a), requesting that the time for filing a response to the Office Action be extended for one month from November 3, 2005 to December 3, 2005. The \$60.00 extension fee for a small entity was submitted with the petition. A copy of the petition as filed, together with a copy of Check No. 7035 in the amount of \$60.00 and the return-receipt postcard submitted with the petition setting forth the November 16, 2005 mailing date and stamped by the PTO with a November 21, 2005 received date are enclosed herewith for your reference.

Adjustment date: 01/06/2006 EEKUBAY1
11/30/2005 UDAY11 00000005 500518 10630202
01 FC:2252 450.00 CR

I hereby certify that this correspondence is being
promptly transmitted to the U.S. Patent and
Trademark Office on December 16, 2005.

STEINBERG & RASKIN, P.C.

By: 

G:\Network Files\JUSPTO\PROSECUTION\Responses for Refund\wpd

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DEC. 16. 2005 11:07AM

STEINBERG & RASKIN

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Commissioner for Patents
December 16, 2005
Page 2

However, it is respectfully advised that the PTO erroneously charged an additional \$450.00 to our deposit account, which is the total PTO fee for filing a petition for a three month extension of time for a small entity. A copy of our Deposit Account Statement for November 2005 is enclosed herewith for your reference. Accordingly, a refund in the amount of \$450.00 to our Deposit Account No. 500518 is respectfully requested.

This Request for Refund is being submitted within two (2) years of the date of the timely payment of the full fee and therefore a refund of the excess amount is appropriate.

Respectfully submitted,

By:



Noam R. Pollock
Reg. No. 56,429

Steinberg & Raskin, P.C.
1140 Avenue of the Americas, 15th Floor
New York, NY 10036-5803
Telephone: (212) 768-3800
Facsimile: (212) 382-2124
E-mail: pto@steinbergaskin.com

C:\Program Files\USPTO\PROSECUTOR\Request for Refund.wpd

DEC. 16. 2005 11:07AM

STEINBERG & RASKIN

NO. 387 P. 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1473
Alexandria, Virginia 22313-1473
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,202	07/30/2003	Vicki Ernst	831,002 DIV.	8182
21831	7590	08/03/2005		
STEINBERG & RASKIN, P.C. 1140 AVENUE OF THE AMERICAS, 15th FLOOR NEW YORK, NY 10036-5803				

EXAMINER
AFTERGUT, JEFF H

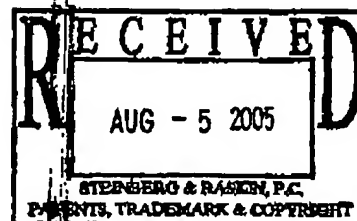
ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

due
11/3/05

SM



PTO-96C (Rev. 10/03)

Office Action Summary

Application No.

10/630,202

Applicant(s)

ERNST, VICKI

Examiner

Jeff H. Aftergut

Art Unit

1739

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 9-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

U.S. Patent and Trademark Office
PTOL-320 (Rev. 1-04)

Office Action Summary

Part of Paper No./Mail Date 08022005

Application/Control Number: 10/630,202
Art Unit: 1733

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1. At the outset, applicant is advised that originally only claims 1-8 were present in the application and that in the preliminary amendment the newly presented claims have been renumbered according to 37 CFR 1.126 (In other words, claims 11-21 have been renumbered to 9-20). It should be noted that in the preliminary amendment two claim 11s appeared. Applicant is advised in the future to correct the numbering of the claims to reflect that claims 9-20 are the pending claims (with the corrected numbers). Applicant is additionally advised that for purposes of the restriction requirement provided herein below the numbering will follow the numbering corrected in accordance with 37 CFR 1.126 (i.e. claims 9-20 are pending).

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 9-17, drawn to a method of making a placemat, classified in class 156, subclass 63.
 - II. Claim 18, drawn to a placemat, classified in class 40, subclass 773.
 - III. Claims 19 and 20, drawn to a method of using a placemat, classified in class 156, subclass 63.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process

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Art Unit: 1733

(MPEP § 806.05(f)). In the instant case the method can be used to make a materially different article such as a placement which does not contain a hinge.

4. Inventions II and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed could be used as a display for the selected items placed upon the adhesive base and need not be placed upon a table and used in the manner claimed.

Additionally, the method of using the article could utilize a materially different article which does not contain the identified hinge in the assembly as required in the article of manufacture.

5. Inventions I and III are related as process of making and process of using the product. The use as claimed can be practiced with a materially different product. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. More specifically, the use claims could be practiced with the article of Group II. Additionally, the article made in accordance with Group I could be used in a materially different process such as the decoration of a wall with a wall display which included attachment of the placement to a wall to display the items disposed between the adhesive base sheet and the cover material.

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6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

8. A telephone call was made to Dona Edwards on 8-2-05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/630,202
Art Unit: 1733

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Artger
Primary Examiner
Art Unit 1733

JHA
August 2, 2005

831.1002 DIV

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Vicki ERNST
Appl./Serial No.: 10/630,202
Filed: July 30, 2003
TC/A.U.: 1733
Examiner: Jeff H. AFTERGUT
Docket No.: 831.1002 DIV
Title: METHOD OF MAKING A PLACE MAT

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 16, 2005

Sir:

In response to the election/restriction requirement set forth in the Office Action dated August 3, 2005, the Applicant elects to further prosecute in this case the claims of Group III, namely claims 19 and 20 drawn to a method of protecting a table top during meals, classified in class 156, subclass 63.

I hereby certify that this correspondence and/or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on November 16, 2005.

STEINBERG & RASKIN, P.C.

BY: 

G:\Network\Files\831100220\DIV\PROSECUTION\Responses to Restrictions 11-16-05.mpd

Response to Restriction Requirement
Filed November 16, 2005

831.1002 DIV

Remarks

This election is made without prejudice to filing divisional applications directed to the subject matter of the non-elected groups.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response is being filed with a Petition for a one-month extension of time. In the event that any other extensions and/or fees are required for the entry of this Response, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

STEINBERG & RASKIN, P.C.

By: 

Noam R. Pollack
Reg. No. 56,829

Steinberg & Raskin, P.C.
1140 Avenue of the Americas
15th Floor
New York, New York 10036
(212) 768-3800

DEC. 16. 2005 11:09AM

STEINBERG & RASKIN

NO. 387 P. 11

831.1002 DIV

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Vicki ERNST
Appl./Serial No.: 10/630,202
Filed: July 30, 2003
TC/A.U.: 1733
Examiner: Jeff H. AFTERGUT
Docket No.: 831.1002 DIV
Title: METHOD OF MAKING A PLACE MAT

PETITION FOR AN EXTENSION OF TIME UNDER 37 CFR §1.136(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

November 16, 2005

Dear Sir:

Applicant hereby petitions the Commissioner for Patents to extend the time for filing a response to the Office Action dated August 3, 2005 for one month from November 3, 2005 to December 3, 2005.

The extension fee of \$60.00 is submitted herewith. The Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 500518. A duplicate copy of this letter is enclosed.

Respectfully submitted,

By:

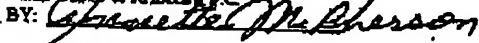


Noam R. Pollock
Reg. No. 56,429

Steinberg & Raskin, P.C.
1140 Avenue of the Americas, 15th Floor
New York, NY 10036-5803
Telephone: (212) 768-3800
Facsimile: (212) 382-2124
E-mail: ptr@steinbergaskin.com

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STEINBERG & RASKIN, P.C.

BY: 

DEC. 16. 2005 11:09AM

STEINBERG & RASKIN

NO. 387

P. 12

Our Ref: 831.1002DIV **NO VA 220**

Re: **25 NOV 2005** **NOV 16 2005**
US Patent Application No.: 10/539,292

Applicant: Vicki ERNST

Assignee: CRAFTIMAT, INC.

Title: METHOD OF MAKING A PLACE MAT

- Response to Election of Species Requirement with Certificate of Mailing (1 page, in duplicate)
- Petition for Extension of Time Under 37 CFR 1.16(a) (1, page, in duplicate)
- Check No. 7035 for \$60.00

Mail Stop AMENDMENT
Envelope: First Class Mail

Due Date: December 3, 2005



Shocked By:

831.1002 DIV
STEINBERG & RASKIN P.C.
PATENT ACCOUNT
1140 AVENUE OF THE AMERICAS
NEW YORK, NY 10086

7035
HSBC BANK, USA
EASTCHESTER, NEW YORK 10709-2214
1-800-210-1111

PAY **SIXTY AND NO/100**
TO THE ORDER OF

DATE **11/16/05** AMOUNT **\$60.00**

Director of the US Patent & Trademark Office

Linda Rush

⑈007035⑈ ⑈021001088⑈654024618⑈



United States
Patent and
Trademark Office



Deposit Account Statement

Requested Statement Month:

November 2005

Deposit Account Number:

500518

Name:

STEINBERG & RASKIN P C

Attention:

MARTIN G RASKIN

Address:

1140 AVE OF THE AMERICAS

City:

NEW YORK

State:

NY

Zip:

10036

Country:

UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/01	31	10532397		8204	-\$100.00	\$2,284.00
11/08	53	PCT/US05/38002		8204	-\$12.00	\$2,296.00
11/09	6	10538566		8204	-\$100.00	\$2,396.00
11/18	185	29242879		8204	-\$400.00	\$2,796.00
11/21	189	10892536	108.1013BR	8007	\$20.00	\$2,776.00
11/23	152	78503518	331.1086	6001	\$375.00	\$2,401.00
11/29	51	E-REPLENISHMENT		8203	-\$4,000.00	\$6,401.00
11/30	6	10630202	831.1002	2252	\$450.00	\$5,951.00

START
BALANCE
\$2,184.00

SUM OF
CHARGES
\$845.00

SUM OF
REPLENISH
\$4,612.00

END
BALANCE
\$5,951.00

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